

November 29, 2010

Transportation Security Administration VIA ELECTRONIC MAIL ONLY
TSA-20, East Tower
FOIA Division
601 South 12th Street
Arlington, VA 20598-6020

FREEDOM OF INFORMATION ACT REQUEST

Re: Disclosure of any and all Administrative Directives from either the Transportation Security Administration ("TSA") and/or the Department of Homeland Security ("DHS") pertaining to instructions to staff that affect the public when members of the public are asked to submit to full body scans or "pat downs" while attempting to board aircraft.

Dear Sir or Madam,

This is a request under the Freedom of Information Act (5 U.S.C. §552, as amended).

By this letter I am requesting any documents you may have which contain any and all Administrative Directives from either the TSA and/or the DHS pertaining to instructions to staff that affect the public when members of the public are asked to submit to full body scans or "pat downs" while attempting to board aircraft, which have been adopted by the TSA and the DHS. I also request any documents which discuss the aforementioned issue and contain the terms "national opt-out day," "Bob Barr", "Opt Out Alliance", "Liberty Guard", "John Tyner", "George Donnelly", "wewontfly.com", "domestic extremists", "drudgereport.com", "Matt Drudge",

"prisonplanet.com", "Alex Jones" and any other term or proper name germane to the aforementioned terms and matter.

In light of the ongoing and contentious public policy controversy regarding the aforementioned matter and terms, I note that time is of the essence. There is a great need for prompt disclosure so that the released information may more adequately inform the public debate.

I am making this request on behalf of Liberty Guard. Liberty Guard is a non-profit organization that actively informs the public on issues including, but not limited to: matters affecting personal liberty, Constitutional rights and citizens' right for privacy.

These documents will illuminate in a clear and direct way, the operations and activities of the TSA and DHS as they pertain to the alleged protection of passengers that are processed through our nation's airports, as well as the penalties for those citizens that do not comply with the TSA and DHS commands. As such, these documents' release will significantly contribute to public understanding and oversight of both the TSA and DHS operations, particularly regarding the quality, guidelines and effectiveness of the TSA and DHS's activities.

This request is not meant to be exclusive of any other records which, though not specifically named, would have a reasonable relationship to the subject matter of this request. In the event that access to any of the requested records is denied, please note that the FOIA provides that if only portions of a requested file are exempted from release under the FOIA, the remainder must still be released. I therefore request that I be provided with all non-exempt portions which are reasonably taken from the whole.

I further request that you describe the deleted material, if any, in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in case an appeal is filed. The TSA and DHS's written justification might also help to avoid unnecessary litigation, should the matter require it. I of course reserve my right to

appeal the withholding or deletion of any information and expect that you will list the office and address where such an appeal can be sent.

I anticipate, however, that you will make the requested materials available within the statutorily prescribed period. I thus also request that you waive any applicable fees since disclosure meets the statutory standard for waiver of fees in that it is clearly "in the public interest because furnishing the information can be considered as primarily benefiting the general public." In this regard, I have no intention of using the information requested and subsequently disclosed for my own or for Liberty Guard's financial gain. If for some reason, the fee waiver request is denied, while reserving my right to appeal such a decision, I am willing to pay Twenty and 00/100 Dollars (\$20.00) to cover TSA and DHS's costs, as long as an itemized invoice is sent to my office.

Per the FOIA, access to the requested records should be granted within twenty (20) working days from the date of receipt of this letter. Any failure to respond in a timely manner shall be viewed as a denial of this request and Liberty Guard will immediately file an administrative appeal.

Thank you in advance for your prompt reply.

Very Truly Yours,

Christopher L. Markham, Esq.

¹ See 5 U.S.C. § 552(a)(4)(A)